

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 26 2004

In the Matter of

BellSouth Telecommunications, Inc

Request for Declaratory Ruling That
State Commissions May Not Regulate
Broadband Internet Access Services by
Requiring BellSouth to Provide Wholesale
or Retail Broadband Services to
CLEC UNE Voice Customers

WC Docket No 03-251

GEMINI NETWORKS CT, INC. (“GEMINI”), acting through counsel, hereby respectfully requests that it be permitted to file the attached brief, limited Reply Comments in the captioned docket. On February 12, 2004, the Commission released a Public Notice in WC Docket No. 04-30 seeking comment on a petition by Southern New England Telephone Company (“SBC”) to preempt a decision of the Connecticut Department of Public Utility Control as inconsistent with the Communications Act and the *Triennial Review Order*.

In this Docket (for which the comment period only closed last week), BellSouth also has asked the Commission to exercise its preemption authority. Because the Commission's action herein could affect the only recently opened WC Docket No. 04-30 in which Gemini is directly involved and Gemini only recently became aware of that prospect, Gemini seeks leave to file very brief and limited Reply Comments concerning the Commission's exercise of its preemption authority herein. Its comments do not seek to address the merits of the assertions by BellSouth

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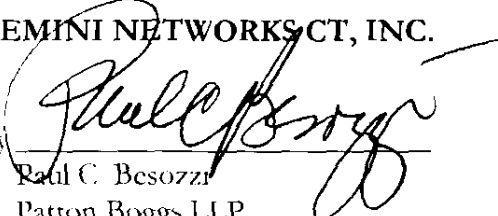
and others about the legality of the challenged state actions. So there is no prejudice to the commenting parties herein, all of which have been served with this Motion and Reply Comments. Further, granting of this Motion will permit the Commission to consider in this Docket the clear distinctions drawn by the Reply Comments, thereby serving the public interest by focusing the Commission on the application of its preemption policy to the facts at issue in WC Docket No. 03-251.

WHEREFORE, Gemini respectfully requests that its Motion To Accept Late-Filed Reply Comments be granted.

Respectfully Submitted,

GEMINI NETWORKS CT, INC.


By


Paul C. Besozzi
Patton Boggs LLP
2550 M Street, NW
Washington, D.C. 20037

Richard C. Rowlenson
Vice President & General Counsel
Gemini Networks CT, Inc.
280 Trumbull Street, 24th Floor
Hartford, CT 06193

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of February 2004, I caused copies of the foregoing "**Motion To Accept Late-Filed Reply Comments of Gemini Networks CT, Inc.**" to be served on the parties on the attached service list by hand delivery or first-class mail.

A handwritten signature in black ink, appearing to read "Paul Breyer", is written over a horizontal line.

February 26, 2004

SERVICE LIST

William Maher, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Jeffrey Carlisle, Senior Deputy Bureau Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Carol Mattey, Deputy Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Michelle M. Carey, Chief
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Janice M. Myles
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Jonathan Banks
L. Barbee Ponder, IV
BellSouth D C, Inc.
1133 21st Street, N.W.
Suite 900
Washington, DC 20036

Lisa Foshee
BellSouth Telecommunications, Inc.
675 W. Peachtree Street, NW
Suite 4300
Atlanta, GA 30375

Patrick W. Kelley
Deputy General Counsel
Office of the General Counsel
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Room 7427
Washington, DC 20535

Daniel S. Walsh
Georgia Department of Law
40 Capitol Square, SW
Atlanta, GA 30334

Robert Byc
Vice President and General Counsel
Cinergy Communications Company
8829 Bond Street
Overland park, KS 66214

Craig T. Smith
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251

John G. Malcolm
Deputy Asst Attorney General, Criminal
Division
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Suite 2113
Washington, DC 20530

BellSouth Telecommunications, Inc
Through its Attorney
Ryan E. Johnson
Jones, Walker, Waechter, Poitevant,
Carrere & Denegre, LLP
Four United Plaza
8555 United Plaza Boulevard
Baton Rouge, LA 70809

Robert T. Richardson
Deputy Chief Counsel
Office of Chief Counsel
Drug Enforcement Administration
Washington, DC 20537

H. Richard Juhnke
John E. Benedict
401 Ninth Street, NW
Suite 400
Washington, DC 20004

F. David Butler
General Counsel
Public Service Commission of South Carolina
P O Drawer 11649
Columbia, SC 29211

Leonard J. Cali
Lawrence J. Lafaro
Dina Mack
AT&T Corp
900 Routes 202/206 North
Bedminster, NJ 07921

Carol Ann Bischoff
Jonathan D. Lee
CompTel/Ascent Alliance
1900 M Street, NW
Suite 800
Washington, DC 20036

Qualex International
Room CY-B402
445 12th Street, SW
Washington, DC 20554

Cynthia B. Miller, Esquire
Office of Federal and Legislative Liaison
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mark R. Overstreet
Counsel for BellSouth
Telecommunications
Stites & Harbison, P L L C
421 West Main Street
P O Box 634
Frankfort, KY 40602

Dorothy J. Chambers
BellSouth Telecommunications, Inc.
601 West Chestnut Street, Room 407
P.O. Box 32410
Louisville, KY 40232

Aaron Panner
Kellogg, Huber, Hansen, Todd & Evans,
P L L.C.
1615 M Street, N.W., Suite 400
Washington, DC 20036-3209

Indra Sehdev Chalk
Michael T. McMenamin
Robin E. Tuttle
Attorneys for United States Telecom
Association
1401 H Street, NW
Suite 600
Washington, DC 20005

Matthew Feil, Esquire
General Counsel
Florida Digital Network, Inc.
390 North Orange Avenue, Suite 2000
Orlando, FL 32801

Andrew D. Lipman
Russell M. Blau
Michael C. Sloan
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, DC 20007

Genevieve Morelli
Michael B. Hazzard
Counsel for PACE Coalition
Kelly Drye & Warren, LLP
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036

Stephen L. Goodman
Wilkinson Barker Knauer, LLP
2300 N Street, N.W.
Suite 700
Washington, DC 20037

Deborah Tully Eversole
Public Service Commission of Kentucky
211 Sower Boulevard
P O Box 615
Frankfort, KY 40601

Aaron M. Panner
Kellogg, Huber, Hansen, Todd & Evans, PLLC
1615 M Street, NW
Suite 400
Washington, DC 20036

Michael E. Glover
Edward Shakin
Ann H. Rakestraw
Verizon
1515 North Courthouse Road
Arlington, VA 22201

David W. Carpenter
Sidley Austin Brown & Wood, LLP
10 S. Dearborn Street
Chicago, IL 60603

David L. Lawson
Richard D. Klinger
Ryan D. Nelson
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, DC 20005

William B. Wilhelm
Paul B. Hudson
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW
Suite 300
Washington, DC 20007

Mary Newmeyer
Alabama Public Service Commission
100 North Union Street, Suite 948
P.O. Box 304260
Montgomery, AL 36130

Mark D. Schneider
Elizabeth G. Porter
Jenner & Block LLP
601 13th Street, NW
Washington, DC 20005

Kimberly A. Scardino
MCI
1133 19th Street, NW
Washington, DC 20036

Judith L. Harris
Robert H. Jackson
Reed Smith LLP
1301 K Street, NW
Suite 1100 – East Tower
Washington, DC 20005

Jack Zinman
Gary L. Phillips
Paul K. Mancini
SBC Communications, Inc.
1401 Eye Street, NW
Washington, D.C. 20005